

FIRST REGULAR SESSION

# SENATE BILL NO. 221

94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR CALLAHAN.

Read 1st time January 3, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1098S.011

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## AN ACT

To amend chapter 162, RSMo, by adding thereto one new section relating to school district boundaries.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 162, RSMo, is amended by adding thereto one new  
2 section, to be known as section 162.432, to read as follows:

**162.432. 1. For the purpose of this section only:**

2 (1) The term "urban school district" shall mean a school district  
3 with an average daily attendance of at least thirty thousand students  
4 containing most or all of a home rule city with more than four hundred  
5 thousand inhabitants and located in more than one county; and

6 (2) The term "seven-director school district" shall mean a school  
7 district with an average daily attendance of at least ten thousand five  
8 hundred students and containing the majority of any home rule city  
9 with more than one hundred thirteen thousand two hundred but fewer  
10 than one hundred thirteen thousand three hundred inhabitants.

11 2. Notwithstanding any provision of law to the contrary,  
12 qualified voters who reside in an urban school district and also in any  
13 home rule city with more than one hundred thirteen thousand two  
14 hundred but fewer than one hundred thirteen thousand three hundred  
15 inhabitants and in any city of the fourth classification with more than  
16 three thousand eight hundred but fewer than four thousand inhabitants  
17 and located in more than one county may petition the seven-district  
18 school district to annex the territory of such urban school district that  
19 is located in any such home rule city and any such city of the fourth  
20 classification to the adjoining seven-director school district. The  
21 annexation and change in school boundaries shall conform to the city

22 boundary lines in which the voters reside and the boundary lines of the  
23 adjoining seven-director school district.

24 3. Ten percent of the number of voters who voted in the last  
25 annual school board election and who reside in an urban school district  
26 and also in any home rule city with more than one hundred thirteen  
27 thousand two hundred but fewer than one hundred thirteen thousand  
28 three hundred inhabitants and in any city of the fourth classification  
29 with more than three thousand eight hundred but fewer than four  
30 thousand inhabitants and located in more than one county may petition  
31 the adjoining seven-director school district for annexation to that  
32 district and a change of school boundaries. The petition for annexation  
33 and boundary change shall define adequately the physical territory to  
34 be annexed.

35 4. Upon the submission of the petition to the adjoining seven-  
36 district school district and the acceptance thereof, an election shall be  
37 held in the territory petitioned for annexation and boundary  
38 change. The election shall be held within one year of submission to the  
39 adjoining seven-director school district. The question may be submitted  
40 on the general municipal election date, the primary election date, or  
41 the general election date. The question shall be submitted in  
42 substantially the following form:

43 Shall the ..... (insert territory to be annexed) portion of the  
44 ..... (insert name of school district) school district be annexed to  
45 the ..... (insert name of school district) school district?

46 ☐ YES ☐ NO

47 The department of elementary and secondary education shall incur the  
48 proportionate share of the costs of the election pertaining to the  
49 annexation and boundary change question. The voters in the territory  
50 subject to annexation and school boundary change shall decide the  
51 question by a majority vote of those who vote upon the question. If a  
52 majority of voters are in favor of the annexation and boundary change,  
53 the provisions of subsection 5 of this section shall be followed. If a  
54 majority of the voters are opposed to the annexation and boundary  
55 change, then no annexation or boundary change shall occur unless a  
56 majority of the voters once again submit the question for approval.

57 5. Upon approval by the voters as specified in subsection 4 of  
58 this section, the question shall be presented to the adjoining seven-

59 director school district board, which shall have ninety days to act upon  
60 the question. A majority vote by the seven-director school board shall  
61 be required to accept the petition for annexation and a change of  
62 school boundaries. If a majority of the board votes in favor of the  
63 question, an election shall be held within one year in the territory of  
64 the seven-director school district. The secretary of the seven-director  
65 school district board shall notify the secretary of the board of the  
66 urban school district of the acceptance of the petition and the date of  
67 the election. The question may be submitted on the general municipal  
68 election date, the primary election date, or the general election  
69 date. The question shall be submitted in substantially the following  
70 form:

71        Shall the ..... (insert territory to be annexed) portion of the  
72 ..... (insert name of school district) school district be annexed to  
73 the ..... (insert name of school district) school district effective the  
74 ..... day of ....., .....

75                                ☐ YES                                ☐ NO

76 The department of elementary and secondary education shall incur the  
77 proportionate share of the costs of the election pertaining to the  
78 annexation and boundary change question. The voters in the territory  
79 of the seven-director school district shall decide the question by a  
80 majority vote of those who vote upon the question. If assent to the  
81 annexation and boundary change is given by the voters of the seven-  
82 director school district, the annexation and boundary change shall go  
83 into effect the subsequent fifteenth day of June, at which time the  
84 school tax property levy in the annexed territory shall be set at the  
85 same rate as the school tax levy in the annexing seven-director school  
86 district.

87        6. The apportionment of property, except for school buildings as  
88 provided in subsection 7 of this section, shall be governed by sections  
89 162.031 and 162.041. The annexing seven-director school district, upon  
90 the annexation of the territory from the urban school district, shall  
91 possess the discretion to apportion the school property and facilities  
92 in the annexed territory that are necessary to serve the educational  
93 needs of the residents in the annexed territory.

94        7. Upon annexation, the urban school district shall transfer any  
95 applicable title to all buildings of the school district located in the

96 territory annexed to the seven-director school district. Should the  
97 urban school district refuse to transfer any applicable title to the  
98 buildings to the seven-director school district, the urban school district  
99 shall pay the tuition of and provide transportation for each pupil  
100 resident therein who attends an accredited school in another district  
101 of the same or an adjoining county. The rate of tuition to be charged  
102 by the district attended and paid by the sending district is the per  
103 pupil cost of maintaining the district's grade level grouping, which  
104 includes the school attended. The cost of maintaining a grade level  
105 grouping shall be determined by the board of education of the district,  
106 but in no case shall it exceed all amounts spent for teachers' wages,  
107 incidental purposes, debt service, maintenance, and replacements. The  
108 term "debt service", as used in this section, means expenditures for the  
109 retirement of bonded indebtedness and expenditures for interest on  
110 bonded indebtedness. Per pupil cost of the grade level grouping shall  
111 be determined by dividing the cost of maintaining the grade level  
112 grouping by the average daily pupil attendance. If there is  
113 disagreement as to the amount of tuition to be paid, the facts shall be  
114 submitted to the state board of education, and its decision in the matter  
115 shall be final. Subject to the limitations of this section, each pupil shall  
116 be free to attend the public school of his or her choice.

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